

REMARKS

The present application was filed on June 6, 2005, and claims priority to International Application No. PCT/US02/40810, filed December 20, 2002.

The present application was filed with claims 1-25. Claims 1-10 and 15-25 were previously canceled by Applicants. Claims 11-14 remain pending. Claim 11 is the only pending independent claim.

Claims 11-14 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 11, 12 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over International Patent Application Publication No. WO 01/47181 (hereinafter “Nakagawa”) in view of U.S. Patent No. 6,377,544 (hereinafter “Muthukrishnan”), U.S. Patent No. 7,215,641 (hereinafter “Bechtolsheim”) and U.S. Patent No. 6,401,147 (hereinafter “Sang”).

Claim 13 is rejected under 35 U.S.C. '103(a) as being unpatentable over Nakagawa, Muthukrishnan, Bechtolsheim and Sang in view of U.S. Patent No. 7,197,025 (hereinafter “Chuah”).

In the present Office Action, Applicants have elected to amend claim 11. Applicants are not conceding in this application that this claim is not patentable over the art cited by the Examiner, as the present claim amendment is only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these claims and/or other claims in one or more continuations and/or divisional patent applications.

Although Applicants believe that claim 11 as previously presented is definite, Applicants have amended claim 11 in the manner suggested by the Examiner to overcome the present '112 rejection.

Claim 11, as amended, includes a limitation wherein each queue has a potential function associated therewith, the potential function of a given queue being a function of the height of the given queue, and wherein packets are routed so as to minimize the sum of the potential functions of the queues of the nodes of the distributed network. Support for this amendment may be found in the specification at, for example, page 12, lines 16-20.

It is believed that the cited references fail to teach or suggest the limitations of amended independent claim 11. Dependent claims 12-14 are patentable at least because of their dependency on claim 11. Furthermore, these claims define separately patentable subject matter.

In view of the above, Applicants believe that amended claims 11-14 are in condition for allowance, and respectfully request withdrawal of the present rejections.

Respectfully submitted,

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